

Amanda L. Groves (SBN: 187216)  
[agroves@winston.com](mailto:agroves@winston.com)  
Kobi K. Brinson (*Admitted pro hac vice*)  
[kbrinson@winston.com](mailto:kbrinson@winston.com)  
Winston & Strawn LLP  
333 S. Grand Avenue, 38th Floor  
Los Angeles, CA 90071  
Telephone: (213) 615-1700  
Facsimile: (213) 615-1750

Ava E. Lias-Booker (*Admitted pro hac vice*)  
[alias-booker@mcguirewoods.com](mailto:alias-booker@mcguirewoods.com)  
Alicia A. Baiardo (SBN: (SBN 254228))  
[abaiardo@mcguirewoods.com](mailto:abaiardo@mcguirewoods.com)  
McGuire Woods LLP  
Two Embarcadero Center  
Suite 1300  
San Francisco, CA 94111-3821  
Telephone: (415) 844-9944  
Facsimile: (415) 844-9922

(*Additional Counsel on Signature Page*)

Attorneys for Defendants  
WELLS FARGO BANK, N.A.,  
and WELLS FARGO & COMPANY

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

CHRISTOPHER WILLIAMS, SAM  
ALBURY, and SHAIA BECKWITH  
SIMMONS, individually and on behalf of  
all others similarly situated,

Plaintiffs,

v.

WELLS FARGO BANK, N.A. and  
WELLS FARGO & CO.,

Defendants.

Case No. 3:22-cv-00990-JD

**DEFENDANTS' STATEMENT REGARDING  
CONSOLIDATION PROPOSAL**

Defendant Wells Fargo submits this statement pursuant to the Court’s order for a November 4, 2022 joint proposal to consolidate the six related class actions<sup>1</sup> filed against Wells Fargo. Dkt. 93 (“Plaintiffs are directed to meet and confer with each other, and then with Wells Fargo, to discuss how to consolidate these cases. The parties are directed to file a joint proposal for consolidation by November 4, 2022.”).

Yesterday, Plaintiffs filed an unopposed motion to extend the November 4 deadline to November 11, 2022 (Dkt. 98), as they have not yet agreed on a proposal and as a result have not been able to meet and confer with Wells Fargo on a proposal. As reflected in that motion, Wells Fargo has no objection to the requested extension. However, as the request has not yet been granted by the Court, and in light of the existing November 4 deadline, Wells Fargo submits the following proposal for consolidation. If and when Plaintiffs agree on a proposal amongst themselves, and assuming the extension is granted, Wells Fargo will, of course, review that proposal, meet and confer with Plaintiffs, and participate in a joint filing on November 11, 2022.

Wells Fargo continues to believe one consolidated master complaint is appropriate. At the October 20 hearing, the Court indicated a preference for one complaint as well, but also noted that two could be acceptable. Exhibit 1 at 30:15-18. Provided the two complaints would be consolidated for discovery purposes, Wells Fargo is amenable to one complaint for refinancing products and one for purchase mortgages. While there is no practical reason to divide the case that way, proceeding with a refinance complaint and a purchase-mortgage complaint would at least be more efficient than the status quo.<sup>2</sup> Accordingly, Wells Fargo proposes one complaint (or two complaints divided by product), and immediately thereafter, the consideration of leadership applications (*e.g.*, as in *Frasco, et al., v. Flo Health, Inc., et al.*, Case No. 3:21-cv-00757-JD; *In Re Google Play Consumer Antitrust Litigation*,

<sup>1</sup> *Williams v. Wells Fargo Bank, N.A., et al.*, Case No. 3:22-cv-00990-JD (filed Feb. 17, 2022); *Braxton v. Wells Fargo Bank, N.A., et al.*, Case No. 3:22-cv-01748-JD (filed Mar. 18, 2022); *Pope v. Wells Fargo Bank, N.A. et al.*, No. 4:22-cv-01793-JD (filed Mar. 21, 2022); *Thomas et al. v. Wells Fargo Bank, N.A. et al.*, No. 3:22-cv-01931-CRB (filed Mar. 26, 2022); *Ebo v. Wells Fargo Bank, N.A.*, No. 3:22-cv-02535-JD (filed Apr. 26, 2022); and *Perkins v. Wells Fargo Bank, N.A., et al.*, Case No. 3:22-cv-3455-JD (filed June 10, 2022).

<sup>2</sup> It took 17 emails over 4 days for Plaintiffs to provide availability to set a joint call with Wells Fargo’s counsel before the November 4 filing deadline—and even then the lawyers for one of the matters represented they had no availability for two full days and were not able to join. On the November 3 call, the participating lawyers requested the extension on behalf of all Plaintiffs’ counsel.

Case No. 3:20-cv-05761-JD; *In Re Google Play Developer Antitrust Litigation*, Case No. 3:20-cv-05792-JD; *In Re Zoom Securities Litigation*, Case No. 3:20-cv-02353-JD; *In Re Robinhood Data Security Litigation*, Case No. 3:21-cv-08906-JD) to facilitate the efficient administration of these matters. *See* Transcript of Oral Argument at 23, *Frasco*, Case No. 3:21-cv-00757-JD, Dkt. 72-1 (a leadership structure necessary because “defendants need to know...who to work with”). Consolidated discovery and motions should follow, as the Court directed. Ex. 1 at 30:11-15.

Dated: November 4, 2022

**WINSTON & STRAWN LLP**

By: /s/ Amanda L. Groves  
 Amanda L. Groves  
[agroves@winston.com](mailto:agroves@winston.com)  
 333 S. Grand Avenue, 38th Floor  
 Los Angeles, CA 90071  
 Telephone: (213) 615-1700  
 Facsimile: (213) 615-1750

Kobi K. Brinson (*admitted pro hac vice*)  
[kbrinson@winston.com](mailto:kbrinson@winston.com)  
 Stacie C. Knight (*admitted pro hac vice*)  
[sknight@winston.com](mailto:sknight@winston.com)  
 300 South Tryon Street, 16th Floor  
 Charlotte, NC 28202  
 Telephone: (704) 350-7700  
 Facsimile: (704) 350-7800

**MCGUIREWOODS LLP**

By: /s/ Alicia A. Baiardo  
 Ava E. Lias-Booker (*admitted pro hac vice*)  
[alias-booker@mcguirewoods.com](mailto:alias-booker@mcguirewoods.com)  
 Alicia A. Baiardo  
[abaiardo@mcguirewoods.com](mailto:abaiardo@mcguirewoods.com)  
 Jasmine K. Gardner (*admitted pro hac vice*)  
[jgardner@mcguirewoods.com](mailto:jgardner@mcguirewoods.com)  
 Two Embarcadero Center, Suite 1300  
 San Francisco, CA 94111-3821  
 Telephone: (415) 844-9944  
 Facsimile: (415) 844-9922

Attorneys for Defendants  
 WELLS FARGO BANK, N.A. and  
 WELLS FARGO & COMPANY